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HEWLETT PACKARD COMPANY
P O BOX 272400, 3404 E. HARMONY ROAD
INTELLECTUAL PROPERTY ADMINISTRATION
FORT COLLINS, CO 80527-2400

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DAYE, CHELCIE L

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BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

Application Number: 10/628,902
Filing Date: July 28, 2003
Appellant(s): PETTIGREW ET AL.

Steven L. Nichols

For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed October 17, 2007, appealing from the Office action mailed June 25, 2007.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings, which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

6,535,894	Schmidt	3-2003
5,974,004	Dockes	10-1999
20020145614	Van Valer	10-2002

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

2. Claims 1,19-20,23;61, and 66 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schmidt (US Patent No. 6,535,894) filed June 1, 2000, in view of Dockes (US Patent No. 5,974,004) filed December 21, 1998.

Regarding Claims 1,23,61, and 66, Schmidt discloses a method of creating an archived file in a manner that allows an application to distinguish between one or more data files and one or more print files in said archived file, wherein said print files contain data used by said application to print visual labeling associated with data of one or more of said data files and said data files provide data to be transferred by said application to a recording medium associated with said visual labeling, said method comprising

generating a manifest file (column 8, lines 63-67, Schmidt); and

including said manifest file in said archived file (column 8, lines 54-61, Schmidt). However, Schmidt is silent with respect to said manifest file distinguishing between one or more data files and one or more print files in said archived file. On the other hand, Dockes discloses said manifest file distinguishing between one or more data files and one or more print files in said archived file (columns 7-8, lines 35-67 and 1-7, respectively, Dockes)[1]. Schmidt and Dockes are analogous art because they are

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[1] Examiner Notes: Column 7, lines 35-50 discuss a reading client, which extracts "audio data" and loads into onto a compact disc. Examiner interprets the data extracted from the reading client to correspond to the data files. Columns 7-8, lines 52-67 and 1-7 discuss a printing client with multiple printers to distinguish elements needing to be printed. Examiner interprets the data selected to be printed as print files.

from the same field of endeavor of updating archive files. It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate Dockes teachings into the Schmidt system. A skilled artisan would have been motivated to combine as suggested by Dockes at column 2, lines 29-42, in order to compress data to reduce the storage requirements, thereby improving production of discs and providing a system for customizing discs on demand. As a result, the step of distinguishing between data files and print files allow for a system to increase productivity and accuracy. Therefore, the combination of Schmidt in view of Dockes, disclose indicating to said application a file location within said archived file associated with said one or more data files (columns 10-11, lines 64-67 and 1-7, respectively, Dockes) and a file location associated with said one or more print files (column 11, line 64, Dockes), using an enforced directory structure (columns 9-10, lines 56-67 and 1-7, respectively, Dockes); and automatically distinguish between the files (column 10, lines 33-50, Dockes).

Regarding Claim 19, the combination of Schmidt in view of Dockes, disclose method further comprising including said manifest file in a root directory of said archived file (Fig.5; column 8, lines 54-67, Schmidt).

Regarding Claim 20, the combination of Schmidt in view of Dockes, disclose a method further comprising:

including said manifest file in any directory of said archived file (Fig.5; column 8, lines 54-67, Schmidt); and

including a boot file in a root directory of said archived file, said boot file indicating a path of said manifest file in said archived file (Fig.6; column 9, lines 11-42, Schmidt);

wherein said application is configured to recognize and read said boot file (column 9, lines 43-52, Schmidt).

3. Claims 2-18,21-22,24,35, and 62-65 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schmidt (US Patent No. 6,535,894) filed June 1, 2000, in view of Dockes (US Patent No. 5,974,004) filed December 21, 1998, and further in view of Van Valer (US Patent No. 20020145614) filed April 6, 2001.

Regarding Claims 2,24, and 62, the combination of Schmidt in view of Dockes, disclose a method further comprising:

extracting files from said archived file with said application (column 7, lines 35-37, Dockes), said files including said one or more data files, said one or more print files (columns 7-8, lines 35-67 and 1-7, respectively, Dockes), and said manifest file (column 8, lines 63-67, Schmidt). However, the combination of Schmidt in view of Dockes, are silent with respect to burning said one or more data files onto an optical disc and printing content corresponding to said one or more print files. On the other

hand, Van Valer discloses burning said one or more data files onto an optical disc ([0073], lines 4-8, Van Valer) and printing content corresponding to said one or more print files ([0077], lines 1-12, Van Valer). Schmidt, Dockes, and Van Valer are analogous art because they are from the same field of endeavor of archiving with digital image processing. It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate Van Valer's teachings into the Schmidt in view of Dockes system. A skilled artisan would have been motivated to combine as suggested by Van Valer at [0010], in order to easily catalog and identify what images/data a particular disc holds.

Regarding Claims 3,25, and 63, the combination of Schmidt in view of Dockes, and further in view of Van Valer, disclose a method further comprising downloading said archived file to a system containing said application (columns 7-8, lines 64-67 and 1-7, respectively, Schmidt).

Regarding Claims 4 and 26, the combination of Schmidt in view of Dockes, and further in view of Van Valer, disclose a method wherein said archived file is downloaded from an Intranet or a website on an Internet (column 3, lines 14-16, Schmidt).

Regarding Claims 5 and 27, the combination of Schmidt in view of Dockes, and

further in view of Van Valer, disclose a method wherein said archived file is downloaded from a wide area network or a local access network (column 6, lines 38-42, Schmidt).

Regarding Claims 6 and 28, the combination of Schmidt in view of Dockes, and further in view of Van Valer, disclose a method wherein said archived file is downloaded from a floppy disk, an optical disc, or a hard drive (column 6, lines 28-33, Schmidt).

Regarding Claims 7,21,29, and 35, the combination of Schmidt in view of Dockes, and further in view of Van Valer, disclose a method wherein said one or more print files comprise a label file ([0062], lines 9-15, Van Valer).

Regarding Claims 8 and 30, the combination of Schmidt in view of Dockes, and further in view of Van Valer, disclose a method wherein said one or more data files comprise a disk image file ([0068], Van Valer).

Regarding Claims 9 and 31, the combination of Schmidt in view of Dockes, and further in view of Van Valer, disclose a method wherein said disk image file is in

International Organization for Standardization (ISO) 9660 file format (column 9, lines 39-47, Dockes).

Regarding Claims 10 and 32, the combination of Schmidt in view of Dockes, and further in view of Van Valer, disclose a method wherein said one or more data files comprise audio files ([0026], Van Valer).

Regarding Claims 11 and 33, the combination of Schmidt in view of Dockes, and further in view of Van Valer, disclose a method wherein said one or more data files comprise video files ([0026], Van Valer).

Regarding Claims 12 and 34, the combination of Schmidt in view of Dockes, and further in view of Van Valer, disclose a method wherein said one or more print files comprise graphics files ([0026], Van Valer).

Regarding Claims 13 and 64, the combination of Schmidt in view of Dockes, and further in view of Van Valer, disclose a method further comprising generating said manifest file in Extensible Markup Language (XML) ([0040], Van Valer).

Regarding Claims 14,15, and 65, the combination of Schmidt in view of Dockes, and further in view of Van Valer, disclose a method further comprising:

compressing said archived file before said downloading of said archived file (column 2, lines 46-52, Schmidt); and

decompressing said archived file before said extracting of said files (column 2, lines 52-60, Schmidt).

Regarding Claim 16, the combination of Schmidt in view of Dockes, and further in view of Van Valer, disclose a method wherein said generation of said manifest file comprises:

combining descriptor terms with file-specific information (column 5, lines 6-13, Schmidt)[2];

wherein, when said application reads said manifest file (column 9, lines 43-52, Schmidt), said descriptor terms indicate to said application which of said files are said one or more data files and which of said files are said one or more print files (columns 7-8, lines 35-67 and 1-7, respectively, Dockes).

Regarding Claim 17, the combination of Schmidt in view of Dockes, and further in view of Van Valer, disclose a method wherein said descriptor terms comprise:

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[2] Examiner Notes: "File contents" corresponds to descriptor terms.

a term for identifying a file location of said one or more data files (columns 10-11, lines 64-67 and 1-7, respectively, Dockes); and

a term for identifying a file location of said one or more print files (column 11, line 64, Dockes).

Regarding Claim 18, the combination of Schmidt in view of Dockes, and further in view of Van Valer, disclose a method wherein said file-specific information comprises a file path and name (column 5, lines 6-13, Schmidt).

Regarding Claims 22 and 36, the combination of Schmidt in view of Dockes, and further in view of Van Valer, disclose a method wherein said optical disc comprises a compact disk ([0026], Van Valer), a digital versatile disk, or a video game disk.

(10) Response to Argument

Appellant argues, with reference to independent claim 1, that Dockes does not teach that "the audio files and the labeling files are electronically placed in a common archived file including a manifest file that distinguishes between the audio and labeling files". Therefore, the combination of Schmidt and Dockes cannot teach "manifest file that distinguishes between one or more data files and one or more print files in said archived file and indicates to said application a file

location within said archived file associated with said one or more data files and a file location associated with said one or more print files".

Examiner respectfully disagrees. To begin, in response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., the files being electronically placed in a common archived file and distinguishing between the audio files and labeling files) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir.1993). For a better understanding of the appellant's claim language, within the present applications specification, the term "print file" has been defined as "*an image file in bitmap (BMP) format, Joint Photographic Experts Group (JPEG) format, Graphic Interchange Format (GIF), a text file, or any other type of graphics file*" (paragraph [0027]). Next, to begin the response with reference to the actual language of the claim, Schmidt discloses "*a JAR archive file (Java-based archive file), which typically contains a manifest file named META-NF/MANIFEST.MF within the archive file. This contains information about the other files within the JAR file. Applications that work with JAR files need to access the information contained in the manifest file. Referring to FIG. 5, there is shown a block diagram illustrating the structure of a typical JAR file 410. JAR file 410 has a subdirectory 411 of meta-information that is always named META-INF. The subdirectory 411 contains a single Manifest file 412 that is always named MANIFEST.MF. The MANIFEST.MF file contains arbitrary information about the files in the archive, such as their encoding or language…In addition to the MANIFEST.MF subdirectory 411, the archive contains whatever files 415 a user wishes to package in the archive, such as*

files to be installed for an automatic software installation feature. Referring to FIG. 6, there is shown a JAR file 410 with a standard subdirectory 411 of meta-information named META-INF, with a manifest file 412 named MANIFEST.MF. The manifest file 412 lists all the files 415 (see FIG. 5) in the archive, together with values labeled "MD5-Hash" and "SHA-Hash." As is known to those of ordinary skill in the art, MD5 and SHA are message digests, also known as one-way hash functions. A hash function takes an arbitrary piece of input data and produces a piece of output data of a fixed size" (columns 8-9, lines 54-67 and 1-20, Schmidt). It is understood within the art that with the creation of a JAR archive file, a manifest file is automatically created within the archive file. The manifest file is used to define extension and package related data. It is a metadata file that contains name-value pairs organized in different sections. Therefore, broadly speaking, the archive and manifest file discussed within the Schmidt reference has technically met the limitation of distinguishing between files within an archive file because that is the primary function of a manifest file. Also, as taught by the appellant's own specification, a print file is nothing more than a text file, GIF file, image file, etc., and as can be seen within Fig. 5 of Schmidt the distinction between files are shown. However, the secondary reference Dockes was incorporated in order to explicitly teach the specific use and distinction of data files and print files. Dockes discloses this at ... wherein "*The data server 124 is preferably a SUN machine running the SOLARIS system. Its primary function is to store all the audio data and its descriptive information. Audio data is stored as MPEG compressed audio files, and descriptive data is stored partly in the INFORMIX database 128 and partly in specialized files*" (column 6, lines 44-59, Dockes). The preceding portion begins to describe the distinction between audio files, which correspond to the data files and descriptive data, which as will be

taught corresponds to the print files. As can be seen Dockes further describes "*The reading client 118 extracts audio data from source audio CDs, does the compression, and sends the data to the data server 124…Both functions are executed by PC machines running SCO UNIXWARE, with a board for audio data compression (e.g., a Digigram PCX11 board manufactured by Digigram) and a conventional disc transporter to automate disc loading*" and "*Every operator performing the packaging tasks has a PC machine, or printing client 130, running UNIXWARE. Every printing client 130 is in turn connected to a CDROM drive 132 to identify the discs, and to several printers 134-138…An advantage important such thermal transfer printers enjoy over inkjet printers used in prior art approaches to labeling CDs is that they do not require specially coated CD-R discs to accept the ink from the printing process…A laser printer 136 (e.g., an HP LaserJet 5MP) may be used to print the invoice and jewel box' back insert, and a suitable label printer 138, such as the SEIKO smart label printer PRO, may be used for printing the address label. The printing client 130 runs a graphical interface for operator interaction, and retrieves the necessary data from the data server*" (columns 7-8, lines 35-67 and 1-9, respectively). The reading client extracting the audio files to the data server corresponds to the data files and the printing client printing the labels for the necessary from the data server corresponds to the print files. Lastly, the primary reference of Schmidt discloses "*a file name includes the file path and file extension*" (column 5, lines 11-13), which as understood within the art, a file path provides the system with the location of a certain file/document. However, even further, Dockes describes "*The volume and path databases 168 are used to organize the storage and remember where the audio files are*" (column 10, lines 29-31) and "*The volume and path database (otherwise known as the path database) 168 keeps track of where the audio files are. Each audio track has*

a unique number, called the trackid. The trackid is currently made from the track's source disc's discid and the track's number (from 0 to 99). The trackid is currently stored as a 32-bit integer, with 24 bits for the discid and 8 bits for the track number. ..The path database 168 links the trackids to file paths. The storage space is divided in volumes. Every volume has a unique number. There are currently two kinds of volumes which are: (1) UNIX directories used to store live data (the directories are usually mount points for the storage discs, but this is not mandatory); and (2) CDs used for archiving copies of the compressed audio tracks, either for pure backup purposes or for enabling future retrieval of data not currently on magnetic disc. The live data volumes are described in the data server's configuration file. Each volume has a line looking like: volpath3=dir/otherdir/myvoldir; meaning that the access path for volume 3 is /dir/otherdir/myvoldir (on the actual system the path is actually more likely to be like <</vol3>>)" (columns 10-11, lines 64-67 and 1-21, respectively). The path database is used to correspond to the file location of the files. As a result, the above argued limitations have been fully disclosed.

Appellant argues, with reference to independent claim 23, that Schmidt fails to teach any mechanism that distinguishes specifically between data files and print files in an archived file, and Dockes fails to teach data and print files stored in a common archived file. Therefore, neither reference teaches the enforced directory in an archived file that "separates said one or more data files and one or more print files in said archived file and indicates to said application a file location associated with said one or more data files and a file location associated with said one or more print files".

Examiner respectfully disagrees. Appellant's arguments for independent claim 23 are similar to those of independent claim 1, and as such have been addressed within the response for independent claim 1. See remarks above.

Appellant argues, with reference to independent claim 61, that Schmidt and Dockes fail to teach "means for generating a manifest file, said manifest file distinguishing between one or more data files and one or more print files in said archived file and indicating to said application a file location associated with said one or more data files and with said one or more print files".

Examiner respectfully disagrees. Appellant's arguments for independent claim 61 are very similar to those of independent claim 1, and as such have been addressed within the response for independent claim 1. See remarks above.

Appellant argues, with reference to independent claim 67, that Schmidt and Dockes fail to teach "wherein said manifest file distinguishes between one or more data files and one or more print files in said archived file and indicates to an application a file location within said archived file associated with one or more data files and a file location associated with one or more print files".

Examiner respectfully disagrees. Appellant's arguments for independent claim 67 are very similar to those of independent claim 1, and as such have been addressed within the response for independent claim 1. See remarks above.

Appellant argues, with reference to claim 19, that Schmidt fails to teach the claimed manifest file that distinguishes between print and data files; therefore, Schmidt cannot teach that such a file is located in a root directory of the corresponding archived file.

Examiner respectfully disagrees. As can be seen from the response above, the combination of Schmidt in view of Dockes, does in fact disclose the claimed manifest file distinguishing between print files and data files. As such, Schmidt shows within Fig.5, item 410, a first directory file of "META-INF/", which is the root directory and within the root directory, as can be seen at item 411 is a subdirectory with a "MANIFEST.MF" file, which is located within the root directory. Also, column 8, lines 54-67 states, "*As is known to those of ordinary skill in the art, a JAR archive file typically contains a manifest file named META-NF/MANIFEST.MF within the archive file. This file contains information about the other files within the JAR file. Applications that work with JAR files need to access the information contained in the manifest file. Referring to FIG. 5, there is shown a block diagram illustrating the structure of a typical JAR file 410. JAR file 410 has a subdirectory 411 of meta-information that is always named META-INF. The subdirectory 411 contains a single Manifest file 412 that is always named MANIFEST.MF*". With the information provided, the argued limitation stated above has been fully disclosed.

Appellant argues, with reference to claim 20, that the cited prior art fails to teach the claimed manifest file; therefore, the cited prior art cannot teach the claimed boot file that indicates a path to the manifest file in the archived file.

Examiner respectfully disagrees. As can be seen from the response above in lieu of independent claim 1, the combination of Schmidt in view of Dockes, does in fact disclose the claimed manifest file. As such, Schmidt disclose at column 9, lines 11-42, wherein "*Referring to FIG. 6, there is shown a JAR file 410 with a standard subdirectory 411 of meta-information named META-INF, with a manifest file 412 named MANIFEST.MF. The manifest file 412 lists all the files 415 (see FIG. 5) in the archive, together with values labeled "MD5-Hash" and "SHA-Hash." As is known to those of ordinary skill in the art, MD5 and SHA are message digests, also known as one-way hash functions*". Within Fig.6 the "META-INF/Manifest.MF" is the root directory of the archive file, which indicates a path of said manifest file as can be seen within item 412. Also, as stated within column 5, lines 9-12, wherein "*A "file name" is the set of letters, numbers, and symbols assigned to a file to distinguish it from all other files in a file system. In the context of the present invention, a file name includes the file path and the file extension, if any*"; this excerpt discloses the file name contains the path information of the particular file, which therefore represents the boot file.

Appellant argues, with reference to claims 2, 24, and 62, that the cited prior art fails to teach the claimed archived file including data files, print files, and a manifest file; therefore, the cited art cannot teach the subject matter of the above

stated claims. Also, appellant concedes that Van Valer does teach burning data files to an optical disc and printing content corresponding to those files, however, Van Valer teaches such subject matter without any reference to the claimed archived file.

Examiner respectfully disagrees. As can be seen from the response above in lieu of independent claim 1, the combination of Schmidt in view of Dockes, does in fact disclose the claimed archive file with the data files, print files, and manifest file. In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.,* 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986). In particular, applicant argues the subject matter of Van Valer does not reference the claimed archived file, however, the combination of Schmidt in view of Dockes were relied upon to disclose the specific limitations with reference to the limitations of the archived file. Van Valer was relied upon to disclose the claim limitations of burning data files onto an optical disc and printing content corresponding to said print files. Therefore, applicant's argument that since Van Valer does not teach the claimed archived file, then Van Valer cannot teach burning nor printing is inappropriate. As a result, since it has been clearly stated by the appellant that Van Valer does in fact teach the claimed subject matter of claims 2, 24, and 62, and the examiner fully believes that the prior subject matter has been fully disclosed by the combination of Schmidt, Dockes, and Van Valer, then the argued limitations above are in fact taught and shown.

Appellant argues, with reference to claims 8, 9, 30, and 31, that the cited prior art fails to teach a disk image file and mainly because the relied upon reference of Van Valer fails to even mention a "disk image file".

Examiner respectfully disagrees. To begin, in response to appellant's argument that the Van Valer reference never mentions the phrase "disk image file" is an irrelevant argument. As long as the functionality of the argued feature (i.e., disk image file) is taught then the actual limitation of the claim has therefore been met. Next, Van Valer teaches "*Selecting pictures from among many online albums, putting copies of those selected images into a new album that will be archived on a CD, and indexing its content using any of the other previously-described options*" (see paragraph [0068], Van Valer). The copies of the selected images being put on a new album that will be archived on a CD corresponds to the limitation as argued above. As taught by the appellant's specification at paragraph [0024], "For example, the data to be burned onto a disk may be a disk image file. A disk image file (also referred to as a disk image) is an exact binary copy of an entire disk. This copied disk is also referred to as a "source disk," because it is the source of the disk image file. According to one exemplary embodiment, the source disk may be an optical disc, a hard drive, a floppy disk, or some other type of medium for storing electronic data". As can be seen by the appellant's own description a disk image file is a copy of an entire disk, wherein the disk can be an optical disk. The examiner corresponds the disk image file described within

the appellant's own specification with the details of the Van Valer reference, and has thus fully disclosed the above argued feature.

Appellant argues, with reference to claims 13 and 64, that because Van Valer does not teach the claimed manifest file, it is impossible for Van Valer to actually teach that such a file be in a particular language, such as XML.

Examiner respectfully disagrees. To begin, in response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986). In particular, applicant argues the subject matter of Van Valer does not teach the claimed manifest file, however, the combination of Schmidt in view of Dockes were relied upon to disclose such specific feature. Further, within the primary reference of Schmidt discloses "*As is known to those of ordinary skill in the art, JAR files encapsulate JAVA classes using an archived, compressed format. A JAR file can be identified in an HTML document within an applet tag. When a browser reads the HTML document and encounters the applet tag, the JAR file is downloaded to the client computer and decompressed*" (column 2, lines 49-55, Schmidt) and "*the following HTML code may be used to specify an archive file:*

<APPLET ARCHIVES="myarchive.jar" CODE="SampleApplet.class">" , which discusses that the JAR archive file can be written in HTML language and as completely understood within the art, XML is used to replace/substitute for the use of HTML.

Therefore, since the JAR file can be in a specific language, the manifest file within the archive file is also written in the same language. Even further, Van Valer was incorporated to disclose that XML is a highly used language within web documents (see paragraph [0040] and [0072-0073]).

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

An Appeal Conference was held on January 3, 2008 with conferees:

Chelcie Daye (Patent Examiner), Apu Mofiz (SPE), and Charles Rones (SPE)

Respectfully submitted,
CLD
January 7, 2008

Conferees:

Apu Mofiz
Supervisory Patent Examiner

APU MOFIZ
SUPERVISORY PATENT EXAMINER

Charles Rones
Supervisory Patent Examiner

CHARLES RONES
SUPERVISORY PATENT EXAMINER

Chelcie Daye
Patent Examiner

Steven L. Nichols
Attorney for Appellant(s)
Reg. No. 40,326
(801) 572-8066